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10 Attorneys for Plaintiff  
11 United States of America

12  
13 IN THE UNITED STATES DISTRICT COURT

14  
15 EASTERN DISTRICT OF CALIFORNIA

16  
17 UNITED STATES OF AMERICA,  
18 Plaintiff,  
19 v.  
20 FERNANDO CASTRO BAZAN,  
21 Defendant.

22 CASE NO. 2:21-CR-00196-TLN  
23 STIPULATION REGARDING EXCLUDABLE  
24 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
DATE: August 18, 2022  
TIME: 9:00 a.m.  
COURT: Hon. Troy L. Nunley

25  
26 STIPULATION

27 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
28 through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on August 18, 2022.

2. On April 28, 2022, a federal grand jury in the Southern District of California returned an  
indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*,  
3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022 and remains in pretrial  
custody for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52.

3. By this stipulation, defendant now moves to continue the status conference until  
November 17, 2022, at 9:30 a.m., and to exclude time between August 18, 2022, and November 17,  
2022, under Local Codes T4 and M.

4. The parties agree and stipulate, and request that the Court find the following:

1                   a)       The government has represented that the discovery associated with this case  
2 includes investigative reports, undercover surveillance footage, recorded calls in English and  
3 Spanish, phone records and other evidence. The government has represented that it will soon  
4 provide additional discovery to the defendant.

5                   b)       Counsel for defendant desires additional time to consult with her client, review  
6 the current charge, to conduct investigation and research related to the charge, to review and  
7 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

8                   c)       Counsel for defendant believes that failure to grant the above-requested  
9 continuance would deny her the reasonable time necessary for effective preparation, taking into  
10 account the exercise of due diligence.

11                   d)       The government does not object to the continuance.

12                   e)       Based on the above-stated findings, the ends of justice served by continuing the  
13 case as requested outweigh the interest of the public and the defendant in a trial within the  
14 original date prescribed by the Speedy Trial Act.

15                   f)       For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
16 et seq., within which trial must commence, the time period of August 18, 2022 to November 17,  
17 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
18 T4] because it results from a continuance granted by the Court at defendant's request on the basis  
19 of the Court's finding that the ends of justice served by taking such action outweigh the best  
20 interest of the public and the defendant in a speedy trial.

21                   g)       Given the defendant's current unavailability as a result of his pretrial custody in  
22 another district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local  
23 Code M].

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1       5. Nothing in this stipulation and order shall preclude a finding that other provisions of the  
2 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
3 must commence.

4       IT IS SO STIPULATED.

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6       Dated: August 11, 2022

PHILLIP A. TALBERT  
United States Attorney

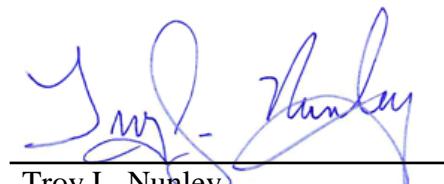
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8       \_\_\_\_\_  
9       /s/ ADRIAN T. KINSELLA  
10      ADRIAN T. KINSELLA  
11      Assistant United States Attorney

12       Dated: August 11, 2022

13       \_\_\_\_\_  
14       /s/ NOA OREN  
15      NOA OREN  
16      Counsel for Defendant  
17      FERNANDO CASTRO BAZAN

18       **ORDER**

19       IT IS SO FOUND AND ORDERED this 11<sup>th</sup> day of August, 2022.

20         
21       \_\_\_\_\_  
22       Troy L. Nunley  
23      United States District Judge